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Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the reissue application of :
Don A. Perry and H. Earl Wright : Examiner: R. Shay
Serial No.: 07/227/253 : Group Art Unit 335
Filed: April 13, 1989 :
For: TOUCH ENHANCING PAD :

AFFIDAVIT OF THADDEUS C. ICHNIEWSKI RE
PASCHAL PATENT UNDER 37 C.F.R. § 1.132

STATE OF ILLINOIS,)
COUNTY OF MCLEAN,) SS:

I, THADDEUS C. ICHNIEWSKI, being duly sworn, depose and say
as follows:

1. I was awarded a Bachelor of Science degree in Chemistry
by Washington College, Chestertown, Maryland, in 1955; I was
awarded a Master of Science degree in Chemistry by Purdue
University, Lafayette, Indiana, in 1959; and I was awarded a Ph.D.
degree in Inorganic Chemistry by Purdue University, Lafayette,
Indiana, in 1961 and my thesis topic was based on new Inorganic
Polymers.

2. From 1961 to date, I have been a professor of chemistry
at Illinois State University, Normal, Illinois. My work has
involved teaching polymer chemistry and completing research
projects in polymer chemistry.

3. From 1964 to 1974, I was an abstracter for Chemical
Abstract Services where my assignments included abstracting U.S.,
French and German patents.

4. From May, 1980 to August, 1981, I was on leave from
Illinois State University and I served as a visiting professor of
polymer chemistry at Dow Chemical Company, Midland, Michigan. I

5. My work in chemistry and chemical education has resulted in my being recognized nationally and being listed in AMERICAN MEN AND WOMEN IN SCIENCE.

6. I have reviewed Perry and Wright U.S. Reissue Patent Application No. 07,337,253, filed April 13, 1989 ("Perry and Wright") and I have reviewed Beck German Patent No. 645,391, effective on March 30, 1932 ("Beck"), and the English translation of Beck prepared by Frank C. Farnham Company, Inc. In particular, I have considered the reference in Beck to a "massaging safety cushion consisting advisably of rubber . . . which is filled with a lubricant in the form of a powder, paste, or liquid."

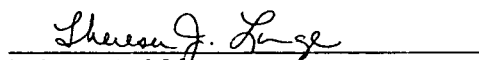
7. In my opinion, the "rubber" available on March 30, 1932, the filing date of Beck, did not possess the properties specified in Perry as being necessary for the enclosure material of the touch-enhancing device for the following reasons:

(a) The so-called "synthetic rubbers" were not available on March 30, 1932. For example, neoprene was not available until 1933 and Buna N and butyl rubber were not available until the 1940's. Accordingly, the term "rubber" as used in Beck refers only to natural rubber; and

(b) Sheets of the natural rubber available on March 30, 1932 would have to be substantial in thickness to withstand the required mechanical operation for use in making the massaging safety cushion disclosed in Beck.


THADDEUS C. ICHNIOWSKI

Subscribed and sworn to before me this 27th day of February, 1990.


Notary Public

